*Norfolk Homes Limited v North Norfolk District Council & Norfolk County Council* [2020] EWHC 504 (QB)  with final judgment being handed down by Mr Justice Holgate [2020] EWHC 2265 (QB).

The judge held as follows at §128:

*Parties to a s.106 agreement (or a developer offering a unilateral undertaking) may choose to agree explicitly that the performance of the obligations created applies not only to the planning permission then being granted but also to any subsequent s.73 permission (or for that matter more broadly still).*

Relevant references in the Section 106 Agreement – definition of “Planning Permission” and clauses 13.5 and 13.6.